

CHAPTER THREE: ENVIRONMENTAL PROTECTIONS

Subchapter One: General Provisions

3.01.010 Prohibition.

No person may operate any facility for the disposal of refuse, garbage or rubbish except as provided in this Chapter Three of the Town of Colma Municipal Code.

[History: formerly § 3.101; ORD. 256, 1/14/81; ORD. 638, 12/14/05]

3.01.020 Definitions.

For the purpose of this Chapter Three, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular include the plural number.

Collection means the operation of gathering together and transporting solid waste to a point of disposal and/or recycling or composting.

Collector means a person employed by the Town, or any person (or the agents or employees thereof) whom the Town shall have duly licensed, franchised, granted a permit to, or contracted with, to collect, carry, transport, compost, and/or recycle solid waste within the Town.

Donate or *donation* means the act of a generator of recyclable materials giving or conveying items or materials to another person or company, without paying the recipient or providing any other form of consideration for taking and/or hauling away the donated materials.

Garbage means putrescible animal, vegetable and organic wastes, including but not limited to:

- (1) Materials resulting from the storage, handling, preparation, cooking and consumption of food; garbage includes all kitchen and table food waste;
- (2) Materials resulting from decay, dealing, or storage of meats, fish, fowl, fruits or vegetables, including the cans, containers, or wrappers wasted along with such materials; or
- (3) Such industrial, domestic and organic solid wastes or residue of animals sold for meat; or
- (4) Fruit, vegetable and animal matter from kitchens, dining rooms, markets, food establishments or any other place using, dealing in or handling meats, fish, fowl, fruits, vegetables, grains, or other foodstuffs; or
- (5) Offal, animal excrement or the carcasses of animals, fish or fowl.

Nuisance means anything which is injurious to human health or is indecent or offensive to the senses and interferes with the comfortable enjoyment of life or property, and affects at the same time an entire community or neighborhood or any considerable number of persons although the extent of annoyance or damage inflicted upon the individual may be unequal, and which occurs as a result of the storage, removal, transport, processing or disposal of solid waste;

Recyclable materials means materials which have been discarded, thrown away or abandoned by the generator or owner thereof and are commonly collected in recycling programs in Southern California.

Recycler means a permitted commercial endeavor that includes collectors, distributors, regroupers or adapters of unused or under used materials that are put to different uses than originally intended.

Recycle or recycling means the process of collecting, sorting, cleansing, treating, and/or reconstituting materials that would otherwise become solid wastes, and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace. Recycling does not include transformation, as defined in Public Resources Code section 40201.

Refuse means all putrescible and non-putrescible solid wastes (except body wastes), whether combustible or non-combustible, including garbage, rubbish, ashes, street cleanings, dead animals, and solid industrial wastes;

Roll-off containers or pull-on containers means any large detachable containers, 14 cubic yards or more in capacity, employed in a system of materials handling in which the loaded container is pulled onto the service vehicle mechanically and transported to an approved site for emptying.

Rubbish means non-putrescible solid wastes, such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, plastics, rubber by-products, used furniture, building debris, and demolition, construction and excavation materials;

Scavenge means the act of removing solid waste and/or recyclable materials from a can, bin, or other container into which the solid waste and/or recyclable materials have been placed for collection by the contractor, collector or authorized recycling agent. Removal by the contractor, collector or authorized recycling agent pursuant to a franchise or other authorization shall not constitute scavenging.

Solid waste:

(1) Except as provided in subdivision (2) below, "solid waste" means all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, recyclable materials, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered,

treated, or chemically fixed sewer sludge which is not hazardous waste, manure, vegetable, or animal solid or semisolid wastes, and other discarded solid and semisolid wastes.

(2) "Solid waste" does not include special waste, hazardous waste or low-level radioactive waste regulated under Chapter 7.6 (commencing with § 28500) of Division 20 of the Health and Safety Code.

(3) "Solid waste" does not include hazardous waste or low-level radioactive waste regulated pursuant to the Medical Waste Management Act (Chapter 6.1, commencing with § 25015 of Division 20 of the Health and Safety Code), provided that the medical waste, whether treated or untreated, is not disposed of at a solid waste facility. Medical waste which has been treated and which is deemed to be solid waste shall be regulated pursuant to this division.

Special waste means any of the following: flammable waste; waste transported in a bulk tanker; liquid waste; sewage sludge; waste from a septic system or other wastewater treatment or pollution control process; residue and debris from the cleanup of a spill or release of any chemical substance; hazardous materials or hazardous wastes as defined by federal or state law; any soil, waste, residue, debris or other material contaminated by any hazardous material or hazardous waste; dead animals; manure; explosive substances or substances or materials that have been exposed to highly infectious or contagious diseases.

Vector means any insect or other arthropod, rodent or other animal capable of transmitting the causative agents of human disease, or disrupting the normal enjoyment of life by adversely affecting the public health and well being.

[History: formerly § 3.102; ORD. 256, 1/14/81; ORD. 638, 12/14/05; ORD. 658, 06/13/07]

